



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER 37	FILING DATE 06/15/95	FIRST NAMED APPLICANT D. ALISE	ATTORNEY DOCKET NO. 59184/111/TF
F3M170224			

FOLEY & LARDNER
FIRSTAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5367

LUCCHETTI, N EXAMINER	
ART UNIT 37012	PAPER NUMBER
02/24/97 6	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/469,687

Applicant(s)
D'Alise

Examiner
Nick Lucchesi

Group Art Unit
3303



☒ Responsive to communication(s) filed on Nov 18, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-33 is/are pending in the application.

Of the above, claim(s) 29-33 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 6, 8-18, 20-24, and 26-28 is/are rejected.

☒ Claim(s) 5, 7, 19, and 25 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

Nicholas D. Lucchesi
NICHOLAS D. LUCCHESI
PRIMARY EXAMINER
GROUP 3300

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3303

Part III DETAILED ACTION

Response To Restriction Requirement

1. Applicant's response and election of Group I, claims 1-28 is acknowledged. Since the response does not specify as to whether the election has been made with or without traverse, it has been assumed by the examiner that the election has been made without traverse.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4,6,8,9-18,20-24,26-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Marlin.

Marlin discloses an endosseous implant body 10 having a top surface, a receptacle 14 which has a threaded portion and at least one noncircular receiving surface. Marlin also shows a first screw-threaded abutment 21 having a head and a threaded stem, and a second press-fit abutment base 20 having a head and a stem and at least one non-circular locking surface 22 formed on

Serial Number: 08/469,687

-3-

Art Unit: 3303

the stem to mate with the non-circular receiving surface in the implant body.

Allowable Subject Matter

4. Claims 5,7,19,25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Wimmer et al, Mena and Tatum, III have also been cited to further show the state of the art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Lucchesi whose telephone number is (703) 308-2698.


NICHOLAS D. LUCCHESI
PRIMARY EXAMINER
GROUP 3300

64
Nick Lucchesi
February 18, 1997